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MARGARET B. KELLEY  
CLIFFORD CHANCE US LLP  
200 PARK AVENUE  
NEW YORK, NY 10166-0153

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In re Application of  
James R. Smith et al  
Application No. 10/008,960  
Filed: December 7, 2001  
Attorney Docket No. 3634-025

**OFFICE OF PETITIONS**  
**NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center AU 1647.

  
Irvin Dingle  
Petitions Examiner  
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